

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suede G. Kelly.

Niagara Mohawk Power Corporation	Docket Nos. ER03-989-000
	ER03-989-001
	ER03-990-000
	ER03-990-001
	ER03-991-000
	ER03-991-001
	ER03-992-000
	ER03-992-001

ORDER ACCEPTING UNCONTESTED SETTLEMENT

(Issued July 9, 2004)

1. On April 21, 2004, Niagara Mohawk Power Corporation (Niagara Mohawk), the Power Authority of the State of New York (NYPA), Multiple Intervenors, Occidental Chemical Corporation, and ISG Lackawanna Inc. (collectively, the Sponsoring Parties) filed an offer of settlement in the above referenced dockets. The settlement resolves all issues in these dockets. Commission Trial Staff (Trial Staff) filed initial comments on May 11, 2004 stating that it does not oppose the Settlement Agreement. Niagara Mohawk filed a letter on May 14, 2004 clarifying certain matters in response to Trial Staff's comments. NYPA filed reply comments in support of the settlement and of the clarifications provided by Niagara Mohawk. On June 21, 2004, the Settlement Judge certified the uncontested Settlement to the Commission.

2. The subject settlement is in the public interest and is hereby approved. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. The rate schedules submitted as part of the settlement are in compliance with Designation of Electric Rate Schedule Sheets, Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000), with the exception of the last page of Rate Schedule 225. The rate schedules are accepted for filing as shown on the attached Rate Schedule Designations.

3. This order terminates Docket No. ER03-989-000, ER03-989-001, ER03-990-000, ER03-990-001, ER03-991-000, ER03-991-001, ER03-992-000, and ER03-992-001.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.

Niagara Mohawk Power Corporation
Docket Nos. ER03-989-000, ER03-991-000,
and ER03-992-000
Settlement Rate Schedule Designations
Effective Date: September 1, 2003

<u>Designation</u>	<u>Description</u>
Substitute First Revised Rate Schedule FERC No. 19	Revised Replacement Power Sales Agreement between Niagara Mohawk Power Corporation and The Power Authority of the State of New York pursuant to Settlement.
Substitute First Revised Rate Schedule FERC No. 159	Revised Expansion Power Sales Agreement between Niagara Mohawk Power Corporation and The Power Authority of the State of New York pursuant to Settlement.
Substitute First Revised Rate Schedule FERC No. 249	Revised Economic Development Power Sales Agreement between Niagara Mohawk Power Corporation and The Power Authority of the State of New York pursuant to Settlement.

Niagara Mohawk Power Corporation
Docket No. ER03-990-000
Settlement Service Agreement Designations
Under FERC Electric Tariff
Original Vol. No. 1
Effective Date: September 1, 2003

Designation

Description

Substitute First Revised
Service Agreement No. 224

Revised Point-to-Point
Transmission Service Agreement
between Niagara Mohawk Power
Corporation and The Power Authority of
the State of New York pursuant to
Settlement.

Substitute First Revised
Service Agreement No. 225¹

Revised Point-to-Point
Transmission Service Agreement
between Niagara Mohawk Power
Corporation and The Power Authority of
the State of New York pursuant to
Settlement.

Substitute First Revised
Service Agreement No. 226

Revised Point-to-Point
Transmission Service Agreement
between Niagara Mohawk Power
Corporation and The Power Authority of
the State of New York pursuant to
Settlement.

¹ Note that the designation of the last page of Substitute First Revised Service Agreement No. 225 is incorrect and has been revised to read, "Open Access Transmission Tariff, Revised Sheet No. 161, Page 4D of 4", rather than the proposed "...Page 4A of 4".